

**EXPRESS TERMS
EMERGENCY AMENDMENTS
TO THE
APPLIANCE EFFICIENCY REGULATIONS**

**CALIFORNIA CODE OF REGULATIONS, TITLE 20:
DIVISION 2, CHAPTER 4, ARTICLE 4, SECTIONS 1601 - 1608**

January~~10~~14, 2003

**For Consideration at
January 21, 2003 Committee Hearing and
January 22, 2003 Commission Hearing**

CALIFORNIA ENERGY COMMISSION

**Proposed ~~C~~changes to the regulations that went into effect on ~~from~~ November 27, 2002
~~Edition~~ are shown in underline and ~~strike-out~~ format.**

Introduction

On November 20, 2002, the Energy Commission instituted an emergency rulemaking proceeding to consider changes to the Commission's appliance efficiency regulations. The Commission delegated to its Efficiency Standards Committee (Commissioner Pernell, Presiding Member, and Commissioner Rosenfeld) the authority to conduct the proceeding.

The rulemaking proceeding was begun in response to a lawsuit filed by four major appliance manufacturer trade associations, in the federal district court for the Eastern District of California: *Air-Conditioning and Refrigeration Institute, et al. v. Energy Resources Conservation and Development Commission, et al.*, E.D. Cal. No. CIV S 02-2437 WBS PAN. The lawsuit asserts that certain provisions in the appliance efficiency regulations are preempted by federal law; the Commission has contested most of the assertions. The litigation is still pending.

When it adopted the order instituting the rulemaking proceeding, the Commission believed that it might be able to make changes to the regulations that would meet the practical, real-world concerns of the four trade associations that filed the lawsuit, and thereby obviate the need for the lawsuit. Thus the Commission stated that "[i]n addition to all other relevant factors, the Commission will consider whether the adoption or amendment of any regulation could render part or all of the litigation moot." To assess the possibility of such a resolution of the issues, the Commission Staff held a public workshop on December 13, 2002, which was attended by representatives of all four of the associations. Several proposals were discussed.

In these Express Terms, Efficiency Standards Committee is now publishing proposed changes to the regulations. The Committee believes that the proposed changes meet the concerns of the associations as discussed at the workshop, while still obtaining for the public the benefits of the current regulations. Some of the proposed changes reflect corrections of mistakes or needed clarifications, which should be made regardless of the course of the litigation. Other changes are being proposed solely in response to the associations' concerns. It would be pointless for the Commission to change the regulations in an attempt to meet the associations' needs if the associations continued to assert that the regulations, even as amended, are preempted. Therefore, some of the proposed changes in these Express Terms are marked with the statement that the Committee will recommend their adoption only if the associations will agree to drop the parts of their lawsuit that challenge the provisions at issue.

**CALIFORNIA CODE OF REGULATIONS, TITLE 20:
DIVISION 2, CHAPTER 4, ARTICLE 4, SECTIONS 1601-1608:
APPLIANCE EFFICIENCY REGULATIONS**

Amend the first paragraph of Section 1601 as follows:

[The Committee will recommend that this change be adopted no matter what happens in the litigation.]

Section 1601. Scope.

This Article applies to the following types of new appliances, if they are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the state and those designed and sold exclusively for use in recreational vehicles, or other mobile equipment. [Each provision applies only to units manufactured on or after the effective date of the provision.](#)

Amend Subsection 1603 (a) as follows:

Section 1603. Testing: All Appliances.

[The Committee will recommend that this change be adopted no matter what happens in the litigation.]

- (a) **Testing Requirements.** The manufacturer [of appliances for which certification documents are submitted on or after November 27, 2002](#) shall cause the testing of units of each basic model of appliance within the scope of Section 1601, using the applicable test method listed in Section 1604. If the manufacturer of the basic model does not participate in an approved industry certification program for the basic model, or does not apply such a program to test all units under this Article, the testing shall be at a laboratory that the Executive Director determines that:
- (1) has conducted tests using the applicable test method within the previous 12 months;
 - (2) agrees to and does interpret and apply the applicable test method set forth in Section 1604 precisely as written;
 - (3) has, and keeps properly calibrated and maintained, all equipment, material, and facilities necessary to apply the applicable test method precisely as written;
 - (4) agrees to and does maintain copies of all test reports, and provides any such report to the Executive Director on request, for all basic models that are still in commercial production; and
 - (5) agrees to and does allow the Executive Director to witness any test of such an appliance on request, up to once per calendar year for each basic model.

Amend Subsection 1604 (f) (5) (E) as follows:

[The Committee will recommend that this change be adopted no matter what happens in the litigation.]

Section 1604. Test Methods for Specific Appliances.

(f) Water Heaters.

- (5) **Mini-Tank Electric Water Heaters.** The test method for mini-tank electric water heaters is as follows:

(E) Calculations

Determine the Recovery Efficiency (E_r) using the following formula:

$$E_r = 1 - \frac{(S \times K \times V \times \Delta T_2)}{(P \times 3412 \text{ Btu/kWh})}$$

Where:

S = standby loss, hr^{-1}

ΔT_2 = 45° F, the nominal ~~average~~ difference between the mean tank temperature and the ambient air temperature during recovery

P = Rated input, kW

K = 8.25 Btu per gallon °F, the nominal specific heat of water

V = tank capacity expressed in gallons

3412 = conversion factor from kWh to Btu/hr

Determine the Standby Loss (W) using the formula:

$$W = S \times K \times V (\Delta T_1) / (3412 \text{ Btu/kWh})$$

Where:

ΔT_1 = 70° F, the nominal difference between ~~final~~ mean tank temperature and the average ambient air temperature

S = standby loss, hr^{-1}

K = 8.25 Btu per gallon °F, the nominal specific heat of water

V = tank capacity expressed in gallons

3412 = conversion factor from kWh to Btu/hr

Determine the Daily Water Heating Energy Consumption, (C_{wh}) using the formula:

$$C_{wh} = \frac{K \times U \times \Delta T_5}{E_r}$$

Where:

- U = 12 gallons, daily water use
- ΔT_5 = 72° F, difference in outlet and inlet water temperatures
- K = 8.25 Btu per gallon °F, the nominal specific heat of water
- E_r = recovery efficiency, assumed to be 98%

Determine the Average Hourly Hot Water Storage Energy Consumption, (C_{us}) using the formula:

$$C_{us} = S \times K \times V \times \Delta T_1$$

Where:

- ΔT_1 = 70° F, the nominal difference between the mean tank temperature and the ambient air temperature during standby
- S = standby loss, hr^{-1}
- K = 8.25 Btu per gallon °F, the nominal specific heat of water
- V = tank capacity expressed in gallons

Determine the Average Daily Energy Consumption for Electric Water Heaters, (C_y) using the formula:

$$C_y = C_{wh} + C_{us} \times \frac{24 \text{ hrs}}{\text{day}} - \frac{C_{wh}}{P \times 3412 \text{ Btu/kWh}}$$

Where:

- C_{wh} = $\frac{K \times U \times \Delta T_5}{E_r}$
- C_{us} = $S \times K \times V \times \Delta T_1$
- P = Rated input, kW
- 3412 = conversion factor from kWh to Btu/hr

Determine the Daily Hot Water Energy Consumption, (C_c) using the formula:

$$C_c = K \times U \times \Delta T_5$$

Where:

$$\begin{aligned} K &= 8.25 \text{ Btu per gallon } ^\circ\text{F, the nominal specific heat of water} \\ U &= 12 \text{ gallons, daily water use} \\ \Delta T_5 &= 72^\circ \text{ F, the nominal difference ~~in-between the~~ outlet and inlet water} \\ &\quad \text{temperatures} \end{aligned}$$

Determine the Annual Energy Consumption, kBtu/year (E_{annual}) using the formula:

$$E_{\text{annual}} = \frac{C_y \text{ Btu/day} \times 365 \text{ days/yr}}{1000}$$

Amend Subsection 1605.1 (c)(1)(Table C-2) as follows:

[The Committee will recommend that this change be adopted no matter what happens in the litigation.]

Section 1605.1. Federal and State Standards for Federally-Regulated Appliances.

(c) Central Air Conditioners.

- (1) Central Air Conditioners Other than Water Source Heat Pumps Below 135,000 Btu/hr.**

Table C-2
Standards for Single Phase Air-Cooled Air Conditioners with
Cooling Capacity Less than 65,000 Btu per Hour and Single Phase Air-Source Heat Pumps
with Cooling Capacity Less than 65,000 Btu per Hour, Not Subject to EPart

<i>Appliance</i>	<i>Minimum Efficiency</i>			
	<i>Effective January 1, 1995</i>		<i>Effective January 23, 2006</i>	
	<i>Minimum SEER</i>	<i>Minimum HSPF</i>	<i>Minimum SEER</i>	<i>Minimum HSPF</i>
<u>Split system air conditioners</u>	10.0	—	13.0 ⁺²	—
<u>Split system heat pumps</u>	10.0	6.8	13.0 ⁺²	7.7 ⁺²
<u>Single package air conditioners</u>	9.7	—	13.0 ⁺²	—
<u>Single package heat pumps</u>	9.7	6.6	13.0 ⁺²	7.7 ⁺
⁺ Except for space constrained products, for which the January 1, 1995 standards remain in effect. ² The U.S. Department of Energy has announced its intention to reconsider these values. Should these values be changed in federal regulations, the Commission will change the values in Table C-2 accordingly.				
<u>Split system air conditioners</u>	10.0 ¹	—	12.0	—
<u>Split system heat pumps</u>	10.0 ¹	6.8	12.0	7.4
<u>Single package air conditioners</u>	9.7 ¹	—	12.0	—
<u>Single package heat pumps</u>	9.7 ¹	6.6	12.0	7.4
<u>Through-the-wall air conditioners – split system</u>	10.0	---	10.9	7.1
<u>Through-the-wall heat pumps – split system</u>	10.0	6.8	10.9	7.1
<u>Through-the-wall air conditioners – single package</u>	9.7	---	10.6	7.0
<u>Through-the-wall heat pumps – single package</u>	9.7	6.6	10.6	7.0
<u>Small duct, high velocity systems</u>			10.0	6.8
¹ Includes small duct, high velocity systems.				

Amend Subsection 1605.3 (f)(1)-(2) as follows:

[The Committee will recommend that this change be made only if the Plaintiffs agree to drop Count 4 and the applicable portions of Counts 6 and 8.]

- (1) **Hot Water Dispensers and Mini-Tank Electric Water Heaters.** The standby loss of hot water dispensers ~~and mini-tank electric water heaters~~ manufactured on or after March 1, 2003 shall be not greater than 35 watts.
- (2) **Small Water Heaters that are Not Federally-Regulated Consumer Products.** The energy factor of small water heaters manufactured on or after March 1, 2003 that are not federally-regulated consumer products, other than hot water dispensers, booster water heaters, and mini-tank electric water heaters, shall be not less than the applicable values shown in Table F-6.

Table F-6

Standards for Small Water Heaters that are Not Federally-Regulated Consumer Products

<i>Appliance</i>	<i>Energy Source</i>	<i>Input Rating</i>	<i>Rated Storage Volume (gallons)</i>	<i>Minimum Energy Factor¹</i>
Storage water heaters	Gas	$\leq 75,000 \text{ Btu/hr}$	< 20	$0.62 - (.0019 \times V)$
Storage water heaters	Gas	$\leq 75,000 \text{ Btu/hr}$	> 100	$0.62 - (.0019 \times V)$
Storage water heaters	Oil	$\leq 105,000 \text{ Btu/hr}$	> 50	$0.59 - (.0019 \times V)$
Storage water heaters	Electricity	$\leq 12 \text{ kW}$	> 120	$0.93 - (.00132 \times V)$
Instantaneous Water Heaters	Gas	$\leq 50,000 \text{ Btu/hr}$	Any	$0.62 - (.0019 \times V)$
Instantaneous Water Heaters	Gas	$\leq 200,000 \text{ Btu/hr}$	≥ 2	$0.62 - (.0019 \times V)$
Instantaneous Water Heaters	Oil	$\leq 210,000 \text{ Btu/hr}$	Any	$0.59 - (.0019 \times V)$
Instantaneous Water Heaters	Electricity	$\leq 12 \text{ kW}$	Any	$0.93 - (.00132 \times V)$

¹Volume (V) = rated storage volume in gallons.

Amend the first paragraph of Section 1606 as follows:

[The Committee will recommend that this change be made only if the Plaintiffs agree to drop Count 3, and the applicable portions of Count 6 and of Count 8.]

Section 1606. Filing by Manufacturers; Listing of Appliances in Database.

(a) Filing of Statements.

Each manufacturer shall file with the Executive Director a statement for each appliance that is sold or offered for sale in California. The statement shall contain all of the information described in paragraphs (2) through (4) of this subsection and shall meet all of the requirements of paragraph (1) of this subsection and all other applicable requirements in this Article. For models that are in the active database before November 27, 2002, no information needs to be submitted until (i) any of the characteristics in Table U is changed, (ii) the model is discontinued, or (iii) the applicable date in the following list, whichever comes first:

- Appliances covered in Section 1601(a), October 1, 2003
- Appliances covered in Section 1601(b), November 1, 2003
- Appliances covered in Section 1601(c), January 1, 2004
- Appliances covered in Section 1601(d), November 1, 2003
- Appliances covered in Section 1601(e), December 1, 2003
- Appliances covered in Section 1601(f), January 1, 2004
- Appliances covered in Section 1601(g), October 1, 2003
- Appliances covered in Section 1601(h), October 1, 2003
- Appliances covered in Section 1601(j), December 1, 2003

Amend Subsection 1606 (a) (Table U) as follows:

[The Committee will recommend that this change be adopted no matter what happens in the litigation.]

[Note to readers: Table U is a long table of over ten pages of small type. Only the lines that are proposed to be amended are included in these Express Terms.]

	<i>Appliance</i>	<i>Required Information</i>	<i>Permissible Answers</i>
A	Non-Commercial Refrigerators, Non-Commercial Refrigerator- Freezers, Non-Commercial Freezers	Style	Kitchen unit, drawer unit, internal freezer, chest refrigerator, freezer $> 30 \text{ ft}^3$ $\text{and } \leq 39 \text{ ft}^3$; wine chiller that is a consumer product, category in Table A-3 (specify)
		<u>Access</u>	<u>Door, drawer, both door and drawer</u>

C	All Central Air Conditioners	Non-Compressor Containing Unit <u>Coil Model Number with which the compressor was tested</u> (for split systems only)	
		Coil Model Number with which the compressor was tested (for split systems only)	
E	All Space Heaters	Energy Source	Natural gas, LPG, oil, <u>combination (natural gas and oil)</u>
		Burner Type	Atmospheric, power (natural draft), power (forced draft), power (induced draft), power (pulse combustion) <u>Induced draft, luminous, injection type, power, pressure, pulse combustion</u>
		Electrical Phase	1, 3, <u>none</u>
		Air Flow Direction <u>(except for boilers and infrared gas space heaters)</u>	Up, down, horizontal
		<u>Total Nominal</u> Fan Motor Horsepower (Furnaces Only)	
		Pump Motor Design (boilers only)	Single-speed, dual-speed, multiple-speed, variable-speed, <u>none</u>
		<u>Total Nominal</u> Pump Motor Horsepower (boilers only)	Premium, standard, <u>none</u>

	<i>Appliance</i>	<i>Required Information</i>	<i>Permissible Answers</i>
E	Central Furnaces	In-Door-Fan Blower Capacity, High, At 0.5 Degrees- " W. C.	
		In-Door-Fan Blower Capacity, Low, At 0.5 Degrees- " W. C.	
	Room Heaters, Floor Furnaces, and Wall Furnaces	Type	Room heater (vented fan), room heater (gravity) , floor furnace (fan), floor furnace (gravity), wall furnace (direct vent fan), wall furnace (vented fan), wall furnace (vented gravity)
		Auxiliary Electric Power (for vented-fan-type heaters only)	
		Average Annual Auxiliary Electrical Energy Consumption (for vented fan type heaters only)	
	Boilers	Input At Maximum Capacity	
		Output At Maximum Capacity	
F	All Water Heaters:	Rated Volume (except booster heaters and hot water dispensers)	
	Large Electric Water Heaters	Thermal Efficiency (instantaneous models only)	
		Standby Loss, % (for large storage models only)	
		Standby Loss, Watts (for large storage models only)	
G	Other Pool Heaters:	Type <u>Energy Source</u>	Natural gas, LPG, oil, electric resistance
		<u>Readily accessible on-off switch</u>	
Q	Clothes Dryers	<u>Fuel</u> <u>Energy Source</u>	Gas, electric

Amend Subsection 1606(a)(3)(E) as follows:

[The Committee will recommend that this change be adopted only if the Plaintiffs drop the applicable portions of Counts 3, 6, and 8.]

Section 1606. Filing by Manufacturers; Listing of Appliances in Database.

(a) Filing of Statements

(3) Testing and Performance Information

(E) How Test Data Must Be Reported

1. For any numerical value required by Table U that is produced by a test specified in Section 1604, the reported value shall be no higher for the value for which the consumer would prefer a high number, and no lower for the value for which the consumer would prefer a low number, than the values obtained by testing; unless ~~different specific~~differing specific rounding-off instructions are specified in the test method specified in Section 1604.
2. For any numerical value required by Table U that is produced by calculation from measured numerical test results, the reported value shall be no higher for the values where the consumer would prefer a high number than the exact result of the calculation, and no lower than the exact result of the calculation where the consumer would prefer a low number, than the values obtained by calculating, unless ~~different specific~~differing specific rounding-off instructions are specified in the test method specified in Section 1604.
3. Manufacturers may report:
 - a. numbers higher than tested values, where the consumer would, all other things being equal, prefer lower values (or is indifferent); and
 - b. numbers lower than tested values, where the consumer would, all other things being equal, prefer higher values (or is indifferent).

Example:

- An air conditioner is tested using the appropriate test method specified in Section 1604 that does not include specific instructions about ~~rounding-off or~~ precision of reporting.
- Cooling capacity is measured as: 36,014 Btu per hour.
~~—The manufacturer may report any value up to 36,014 Btu per hour.~~

- For cooling capacity, consumers prefer higher values.
- The manufacturer may report any value up to 36,014 Btu per hour.
- The manufacturer chooses to report 36,000 Btu per hour.
- Electrical energy use is measured at 3,487 watts.
- ~~The manufacturer may report any value down to 3,487 watts.~~
- For electrical energy use, consumers prefer lower values.
- The manufacturer may report any value down to 3,487 watts.
- The manufacturer chooses to report 3,500 watts.
- Using the data the manufacturer chooses to report, $EER = 36,000/3,500 = 10.285714$.
- For EER, consumers prefer higher values.
- The manufacturer may not report any value of EER over 10.285714. (if EER is reported with only one decimal place, the maximum value would be 10.2).
- The manufacturer chooses to report $EER = 10.2$ Btu per watt-hour.
- If the manufacturer had chosen to report the cooling capacity as 36,014 Btu per hour, and the electrical energy use as 3,487 watts, the calculated EER would have been $36,014/3,487 = 10.328076$. In this case the manufacturer could ~~have reported the EER as 10.3 Btu per watt hour~~ not report any value of EER over 10.328076 (if EER is reported with only one decimal place, maximum value would be 10.3).

Amend Sections 1606(b)(1)-(2) as follows:

[The Committee will recommend that this change be made unless the Plaintiffs agree to drop Count 3 and the applicable portions of Counts 6 and 8.]

- (1) **Determination.** The Executive Director shall determine whether a statement is complete, accurate, and in compliance with all applicable provisions of this Article, and whether the appliance for which the statement was submitted complies with all applicable standards in Sections 1605.1, 1605.2, and 1605.3.
- (2) **Informing Manufacturer of Determination.**
 - (A) The Executive Director shall inform the manufacturer of the determination within these time limits:

through February 28, ~~2003~~ 2004:

if the statement was filed electronically, within 30 calendar days after receipt by the Executive Director;

if the statement was filed on paper, within 45 calendar days after receipt by the Executive Director; and

beginning March 1, ~~2003~~ 2004:

if the statement was filed electronically, within 14 calendar days after receipt by the Executive Director;

if the statement was filed on paper, within 21 calendar days after receipt by the Executive Director.
 - (B) The Executive Director's determination shall be sent to the manufacturer electronically if the statement was filed electronically and either electronically or on paper if the statement was filed on paper.

Amend the Subsections 1607 (b) and (c) as follows:

[The Committee will recommend that this change be made only if the Plaintiffs agree to drop the applicable portions of Counts 1, 6, and 8.]

Section 1607. Marking of Appliances.

(b) **Name, ~~and~~ Model Number, and Date.**

~~The manufacturer's name, brand name, or trademark, and the model number, shall be permanently and legibly displayed on each unit or, for plumbing fittings on the unit's packaging. Where there is a nameplate, the display shall be on the nameplate. On appliances without nameplates, the display shall be in a conspicuous and accessible place on the unit.~~ Except as provided in Subsection (c), the following information shall be permanently, legibly, and conspicuously displayed on an accessible place on each unit:

- (1) manufacturer's name or brand name or trademark;
- (2) model number; and
- (3) date of manufacturer, indicating (i) year and (ii) month or smaller (e.g. week) increment. If the date is in a code that is not readily understandable to the lay person, the manufacturer shall immediately, on request, provide the code to the Energy Commission.

(c) Exceptions to Subsection (b). ~~Date of Manufacture.~~

~~The date of manufacture, and other date information chosen by the manufacturer, shall be permanently and legibly displayed on an accessible and conspicuous place on each unit or, for plumbing fittings, on the unit's packaging, in the following format: month and four digit year. Notwithstanding Subsection (b) the following information need not be displayed on the appliance:~~

- (1) For plumbing fixtures and plumbing fittings, the information required by Subsection (b) ~~may~~ shall be permanently, legibly, and conspicuously displayed on an accessible place on each ~~the~~ unit,²s or on the unit's packaging.
- (2) For lamps, the information required by Subsection (b) ~~may~~ shall be permanently, legibly, and conspicuously displayed on an accessible place on each unit, on the unit's packaging, or, where the unit is contained in a group of several units in a single package, on the packaging of the group.
- (3) For fluorescent lamp ballasts, the date of manufacture information required by section 1607(b)(3) shall indicate (i) year and (ii) three-month or smaller increment. If the date is in a code that is not readily understandable to the layperson, the manufacturer shall immediately, on request, provide the code to the Energy Commission.

Amend Subsection 1607 (d) (1) (B) as follows:

[The Committee will recommend that this change be made only if the Plaintiffs agree to drop the applicable portions of Counts 1, 6, and 8.]

(d) Energy Performance Information

(1) Federally Regulated Consumer Products

(B) In addition, beginning on the effective date of the central air conditioner standards in Section 1605.2(c)(1), the following information shall be permanently and legibly displayed on an accessible and conspicuous place on all units subject to those standards, provided that such is not prohibited by Federal Trade Commission regulations:

1. EER; and
2. “Complies with California TXV requirement.”

Amend Subsection 1607 (d) (2) as follows:

[The Committee will recommend that this change be made only if the Plaintiffs agree to drop Count 2 and the applicable portions of Counts 6 and 8.]

- (2) Federally-Regulated Commercial and Industrial Equipment:** Each unit, manufactured on or after January 1, 2004, of an appliance listed in Table V that is federally-regulated commercial and industrial equipment shall be marked, permanently and legibly on an accessible and conspicuous place on the unit, with the applicable energy performance information shown in Table V, and such information shall also be included on all printed material that is displayed or distributed at the point of sale.

Table V
Requirements for Marking of Federally-Regulated Commercial and Industrial Equipment

<i>Class</i>	<i>Energy Performance Information</i>
Split system central air conditioners (on printed material only)	Cooling capacity, SEER _* , EER
Single package central air conditioners	Cooling capacity, SEER _* , EER
Split system heat pumps (on printed material only)	Cooling capacity, heating capacity, SEER _* , EER, HSPF _* , COP
Single package heat pumps	Cooling capacity, heating capacity, SEER _* , EER, HSPF _* , COP
Package terminal air conditioners	Cooling capacity, EER
Package terminal heat pumps	Cooling capacity, heating capacity, EER, COP
Warm air furnaces	Input rating, thermal efficiency
Packaged boilers	Input rating, thermal efficiency, combustion efficiency
Water heaters	Input rating, rated storage volume, measured storage volume, thermal efficiency, standby loss (%/hr), standby loss (Btu/hr)
Hot water supply boilers	Rated input, rated storage volume, measured storage volume, thermal efficiency, standby loss
<p><i>* Applies only to air-cooled central air conditioners and air-source heat pumps of less than 65,000 Btu/hour or less.</i></p>	

Amend Subsection 1608 (a) as follows:

Section 1608. Compliance, Enforcement, and General Administrative Matters.

[The Committee will recommend that this change be adopted no matter what happens in the litigation.]

(a) General Requirements for the Sale or Installation of All Appliances.

Any unit of any appliance within the scope of Section 1601 may be sold or offered for sale in California only if:

- (1) the appliance appears in the most recent database established pursuant to Section 1606(c), unless the only reason for the appliance's absence from the database is its failure to comply with an applicable standard in Section 1605.1;
- (2) the manufacturer has:
 - (A) tested the appliance as required by Sections 1603 and 1604;
 - (B) marked the unit as required by Section 1607;
 - (C) for any appliance for which there is an applicable standard in Section ~~1605.1~~, 1605.2, or 1605.3, certified under Section 1606(a) that the appliance complies with the standard;
- (3) the unit has the same components, design characteristics, and all other features that affect energy or water consumption or energy or water efficiency, as applicable, as the units that were tested under Sections 1603 and 1604 and for which information was submitted under Section 1606(a); and
- (4) for any appliance for which there is an applicable standard in Section ~~1605.1~~, 1605.2, or 1605.3, the unit complies with the standard.